



**Association of Bay Area Governments
Metropolitan Transportation Commission**

Date: January 12, 2006

To: Joint Policy Committee

From: Jeff Georgevich, on behalf of ABAG and MTC staff

Subject: Principles for Emergency Management Legislative

The past six months has seen an unusually high number of natural disasters, including several major hurricanes, major fires in Texas and Oklahoma, and floods in the Bay Area. Despite the large number of natural disasters, and the clear need for improvement in the ability to respond to and recover from them, the majority of funding at the federal and state level has been focused on terrorism. The topics of emergency preparedness and response are anticipated to be the subject of a wide range of bills in both the Congress and the Legislature during 2006.

Staff from MTC, ABAG and a half-dozen other agencies have worked together for the past three months to develop a set of consensus principles to guide legislative reform efforts. Active participants in the working group included staff from MTC, ABAG, San Jose, Marin County, Berkeley, and Oakland. In early January, the draft version of the legislative principles was circulated to a larger group for review and comment.

A copy of the Legislative Principles is attached. The principles are based on the concept of **comprehensive emergency management**, which entails the identification and mitigation of hazards and risks, as well as preparation for, coordinated response to, and recovery from disasters.

The principles are scheduled to go before the ABAG Executive Board for endorsement in January, and submittal for MTC action is scheduled for February. Other government agencies and professional societies will be invited to endorse the principles, in order to demonstrate a broad consensus that may guide state and federal legislative efforts.

RECOMMENDATION

THAT the JPC endorse the attached Principles for Emergency Management Legislation

Principles for Emergency Management Legislation

Background

California has experienced numerous federally-declared disasters, including the 1989 Loma Prieta earthquake, the 1991 Oakland Berkeley Hills firestorm, the 1994 Northridge earthquake, and the 2003 Southern California firestorm. With this history, the State of California and its local governments are leaders in mitigating, preparing for, responding to, and recovering from natural and man-made disasters. Accomplishments include the following:

- The Master Mutual Aid Agreement has been in effect since November of 1950 – 55 years!
- Local and state agencies have a decade of implementing the Standardized Emergency Management System (SEMS) since its inception in 1992. The roots of SEMS extend to the Incident Command System (ICS) of the 1970s and resulted from legislation following the Oakland-Berkeley Hills Firestorm. ICS and SEMS have been modified only slightly to become the National Incident Management System.
- Since the 1970s, California law has mandated that cities and counties adopt a General Plan that includes a safety element. The specialized plan elements allow local governments to define local policies and actions that are aimed to reduce risk from natural hazards. Some hazards, such as active faults, areas of earthquake-induced landslide susceptibility, and areas of liquefaction susceptibility are mapped in the state due to the Alquist-Priolo Fault Studies Zones Act and the Seismic Hazard Mapping Act.
- The federal Disaster Mitigation Act of 2000 requires that cities develop a comprehensive risk reduction strategy and a Local Hazard Mitigation Plan (LHMP). Berkeley was the first California city to comply with that requirement by adopting its LHMP in July 2004. In the San Francisco Bay Area, dozens of cities, counties, and special districts are using the multi-jurisdictional LHMP coordinated by ABAG.
- Further, the state has instituted stringent building codes since the early 20th century. The first Uniform Building Code was adopted in 1927. Though Californians take this legislative direction and ensuing regulatory procedures for granted, the California Building Standards Code is a significant tool in providing guidance for a robust built environment. Such regulations and enforcement procedures are not standard practice in many disaster-prone areas in the United States.

In light of recent disasters and in anticipation of the 100th anniversary of the 1906 earthquake, the following principles are proposed guide state and federal legislation consistent with the goal of the regional multi-hazard Local Hazard Mitigation Plan *to maintain and enhance a disaster-resistant region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters.*

Policy Principles

1. Accountability and Authority: At the federal, state and local levels of government, responsibility, authority, and funding for Comprehensive Emergency Management for all hazards, including homeland security, should be vested in a single entity in the executive branch. Comprehensive Emergency Management entails the identification and mitigation of all hazards and risks, as well as preparation for, coordinated response to, and recovery from disasters. This function should report directly to the chief executive of the level of government (President, Governor, or County Administrator/City Manager/Mayor).
2. Local Control: A local political subdivision is the lead agency for disaster response within its geographic jurisdiction. At such time as the local political subdivision's capability to respond is overwhelmed, it requests assistance from the next highest level of government. The local jurisdiction requiring assistance remains in charge, including direction of personnel, equipment, and other assistance provided by others. Disasters that affect multiple counties require Comprehensive Emergency Management at the regional level, and a regional entity to prioritize needs and assistance during the immediate response and recovery periods. As various state and federal agencies become involved, they cooperate to the fullest possible extent with each other and the local and regional agencies while responding to requests for significant assistance, such as for providing emergency food and shelter or for removing and disposing of debris.
3. All-Hazard Plans: Each level of government should develop All-Hazard Plans to guide their comprehensive emergency management program in cooperation with adjacent cities and counties, as well as with regional agencies. The plans should 1) identify hazards and prioritize risks; 2) define mitigation strategies and prioritize investment programs; 3) include an emergency preparedness element to ensure that the agency, as well as its citizens and businesses, are ready to respond to the various hazards; 4) establish standard operating procedures for the response to any hazard; and 5) include priorities for the recovery of critical infrastructure and services to ensure economic recovery. The plan should address the need for businesses, neighborhoods, and all citizens (including those with special needs) to ensure their own safety and well being during the immediate response period.
4. Communications Interoperability: The federal government should define standards for communications interoperability, provide adequate spectrum (bandwidth) for public safety, and fund the transition to the new standards and spectrum. States should implement an interoperable system for state agencies, and support the implementation and integration of regional systems.
5. Unfunded Preparedness Mandates: Agencies at many levels of government have responsibilities to ensure readiness, ranging from provision of emergency supplies to inspection of facilities and review/approval of emergency plans. State and federal governments should provide stable funding for these responsibilities or authorize local governments to impose fees.

6. Funding and Cash Flow: The federal and state government should provide significant financial assistance to protect and strengthen critical systems and facilities, based on priorities in an All-Hazards Plan. They should implement financial mechanisms to enable payment methods other than reimbursement because local governments often do not have cash-flow resources for major projects.
7. Stable Mitigation Funding: Local and regional governments need a stable and predictable funding program for disaster mitigation projects that are shown to be cost effective using a risk-based priority-setting process. Funding should also encourage innovative multi-jurisdictional analysis and approaches. Government agencies should monitor these projects to ensure their continued effectiveness.
8. Infrastructure and Public Service Facility Investments: Preventive action is the most effective way to ensure community safety. Programs to renew infrastructure should include public-sector investments in hazard mitigation, including seismic upgrades of local transportation, water supply, flood protection, and communications systems. Service facilities needing public-sector investments include hospitals, public schools, and critical government buildings. Planning for such investments also requires adequate funding.
9. Private Facility Investments: Stronger partnerships with the private sector are needed to ensure safer and more disaster-resistant buildings owned by the private sector, including acute care facilities, private schools, and residential buildings. Current issues include (a) incentives for private investments in these facilities, (b) ways to improve the quality of residential seismic retrofit construction, and (c) risk sharing mechanisms such as insurance, mitigation, and reconstruction financing.